

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**David O. Marshall Sr.**  
Debtor(s)

Bankruptcy Case No.: 17-22229-GLT  
Issued Per 1/11/2018 Proceeding  
Chapter: 13  
Docket No.: 35 - 16  
Concil. Conf.: January 11, 2018 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 25, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 11, 2018 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 1 of PA Rev, Claim No. 3 of Woodland Hills and Claim No. 2 of Allegheny County .
- ☒ H. Additional Terms: 1. Debtor's counsel to provide trustee with business questionnaire, Operating Reports and the un-filed tax return by 2/20/18 or the case will be dismissed upon affidavit of default.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: January 16, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 David O. Marshall, Sr.  
 Debtor

Case No. 17-22229-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 32

Date Rcvd: Jan 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 18, 2018.

db +David O. Marshall, Sr., 944 Lilly Lane, Pittsburgh, PA 15221-3912  
 cr +County of Allegheny, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,  
 Frick Building, Pittsburgh, PA 15219-6101  
 cr +Woodland Hills School District, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,  
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101  
 14649236 +ACE Property Group, 17792 Moro Road, Salinas, CA 93907-8524  
 14635119 +ACE Property Group, 262 East Gate Drive, PMB 266, Aiken, SC 29803-7698  
 14635120 +Borough of Munhall, Tax Department, 1900 West Street, Munhall, PA 15120-2561  
 14635122 CBCS, P.O. Box 2724, Columbus, OH 43216-2724  
 14635123 +Clear Spring, 18451 North Dallas Parkway, Suite 100, Dallas, TX 75287-5209  
 14659270 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14649237 County of Allegheny, c/o Goehring, Rutter & Boehm, 14th Floor, Frick Building,  
 Pittsburgh, PA 15219  
 14635125 +FCI Lender Services, Inc., 8190E. Kaiser Blvd., Anaheim, CA 92808-2215  
 14635126 Grand Vacation Services, LLC, 6335 Metro West Blvd., Suite 180, Orlando, FL 32835  
 14635127 Honorable Thomas R. Torkowsky, 510 East 6th Avenue, Munhall, PA 15120  
 14635128 +Kalmeyer & Kalmeyer, 410 Rodi Road, Pittsburgh, PA 15235-4519  
 14649239 +LMS Properties Erie, LLC, P.O. Box 10954, Erie, PA 16514-0954  
 14649238 +Legal Tax Service, Inc., 714 Lebanon Road, West Mifflin, PA 15122-1030  
 14635129 +Lobos Management Co., P.O. Box 81067, Pittsburgh, PA 15217-0567  
 14635130 +MBank, 17898 SW McEwan Road, Suite 200, Tigard, OR 97224-7217  
 14700650 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982  
 14635135 +PNC Bank, P.O. Box 535230, Pittsburgh, PA 15253-5230  
 14635131 Pa-American Water Company, P.O. Box 347412, Pittsburgh, PA 15250-7412  
 14635132 Pa. Dept. of Labor and Industry, Employer's Charge Section, P.O. Box 67504,  
 Harrisburg, PA 17106-7504  
 14635133 Peoples Natural Gas Company, P.O. Box 535323, Pittsburgh, PA 15253-5323  
 14635136 +Powers, Kirn & Associates, LLC, Eight Neshaminy Interplex, Suite 215,  
 Trevoise, PA 19053-6980  
 14635137 Regus, P.O. Box 842456, Dallas, TX 75284-2456  
 14649241 Shawn Brantley & Julie Wardigo, 35 & 36 Grant Street, Munhall, PA 15120  
 14649242 +Visio Financial Services, Inc., 18451 N. Dallas Parkway, Suite 100, Dallas, TX 75287-5209  
 14635138 +Wilksburg-Penn Joint Water Authority, 2200 Robinson Blvd., Pittsburgh, PA 15221-1193  
 14659271 +Woodland Hills School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14635124 E-mail/Text: kborkley@bernsteinlaw.com Jan 17 2018 01:35:00 Duquesne Light Company,  
 P.O. Box 1930, Pittsburgh, PA 15230-1930  
 14696872 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 17 2018 01:42:24  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14643811 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 17 2018 01:34:32  
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, PA 17128-0946

TOTAL: 3

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Visio Financial Services, Inc.  
 14643830\* Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, PA 17128-0946  
 14649240\* Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, PA 17128-0946  
 14635134\* Peoples Natural Gas Company, P.O. Box 535323, Pittsburgh, PA 15253-5323  
 14635121 ##+Carolyn J and Henry D. Smith, 115 N. Beatty Street, Apt. 318, Pittsburgh, PA 15206-3059  
 TOTALS: 1, \* 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: dbas  
Form ID: 149

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Total Noticed: 32

Date Rcvd: Jan 16, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 18, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Visio Financial Services, Inc. bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor Woodland Hills School District jhunt@grblaw.com,  
cnoroski@grblaw.com  
Michael S. Geisler on behalf of Debtor David O. Marshall, Sr. m.s.geisler@att.net,  
msgeis@yahoo.com;michaelgeisler13@gmail.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6